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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
1/1152-1088

First named inventor: Walland, Alexander, et al

Application No.: 09/836,462

Art Unit: 1625

Filed: April 18, 2001

Examiner: Patricia Morris

Title: Betamimetics Having a Long-Lasting Activity, Processes for  
Preparing Them, and their Use as Medicaments

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Timothy X. Witkowski  
Signature

2-8-2005  
Date

Timothy X. Witkowski  
Typed or printed name

40,232  
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Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

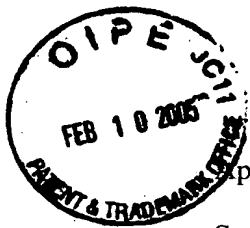
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

2-8-2005  
Date

Timothy X. Witkowski  
Signature

Timothy X. Witkowski  
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alexander Walland *et al.*

Examiner: Patricia L. Morris

Serial No.: 09/836,462

Group Art Unit: 1625

Filed: April 18, 2001

Docket: 1/1152/1088

Customer No.: 28501

Confirmation No.: 7878

For: BETAMIMETICS HAVING A LONG-LASTING ACTIVITY, PROCESSES FOR PREPARING THEM, AND THEIR USE AS MEDICAMENTS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT CONCERNING UNINTENTIONAL DELAY**

Sir:

A Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 and Amendment was timely filed (with extension fee) on January 5, 2004, in this application in response to an Office Action dated September 12, 2003.

The examiner issued a Notice of Improper Request for Continued Examination (RCE) dated February 11, 2004. As the Notice stated that "If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111", applicants were lead to believe that nothing further need be done as a reply had accompanied the RCE. In fact, the Examiner never responded to the Amendment filed with the RCE, as applicants had expected and the Notice stated.

A Notice of Abandonment dated December 16, 2004, was then issued by the examiner.

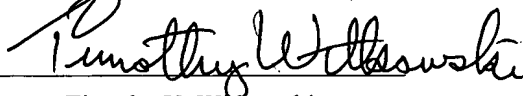
**Applicants believe that the abandonment is improper as the examiner never responded to the Amendment accompanying the RCE.**

Nonetheless, the abandonment was unintentional and inadvertent as evidenced by applicants' timely filing of an RCE and response in an attempt to continue further prosecution of the

application. The undersigned is personally aware of these events and the unintentional nature of the abandonment.

**Certificate of Mailing Under 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 8, 2005.

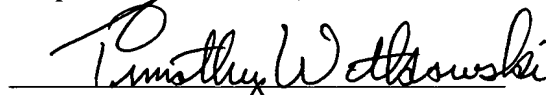


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2-8-2005

Dated

Respectfully submitted,



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